

Law & The Sacred: The Silent Echo of the Law: Phenomenology and the Cosmology of Buddhism

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Language is the house of Being. In its home man dwells. Those who think and those who create with words are the guardians of this home --Martin Heidegger

Introduction

The core argument I present here seeks to affirm the phenomenological insight that we have no *reflexive* access to the event of the law (Ljungstrom. 1997: 78). In this respect I proceed from Panu Minkkinen's observation that "in its everyday activities, Dasein is involved with available law continuously without being reflectively aware of it" (1996: 70). In order to retrace the event of the law in Sri Lanka to a *primordial* relationship of 'proximity' with the cosmology of Sinhalese Buddhism, I initially focus on the relationship between the ontological horizon of the Buddhist cosmos and Sinhalese Buddhist mythology.¹ As will become evident, this mythology is actively engaged with in the debates appertaining to the law on the recognition of language in Sri Lanka. I go on to argue that the ontological meaning of the Sinhalese Buddhist cosmos awaits arrival in the social, the legislation on language (*The Official Language Bill*) constituting one such event.

The cosmology of Sinhalese Buddhism constitutes an ontological force which provides Sinhalese mythology and the practices of Sinhalese nationalism, as well as the debates surrounding the law on language with an existential dynamic. To borrow a paraphrase of Heidegger's account on the fragment of Anaximander, "everything that is, is also the order of Being. Where Being thinks, the law also thinks" (Ljungstrom: 1997: 79). It is the singularity of the event, be it the law or the practice of nationalism which enables us to conceptualise Being as a temporal occurrence within the contingency of the social (Ljungstrom: 1997: 79). I proceed by first elaborating on the cosmology of Sinhalese Buddhism, an elaboration that draws on the Heideggerian inspired phenomenological anthropology of Bruce Kapferer.

The Phenomenology of Sinhalese Buddhism

Heidegger acknowledges his principal philosophical debt to his teacher Edmund Husserl, when he observes that throughout his work, he had sought to "retain the essential help of the phenomenological way of seeing" (cited by Habermas 1990: 138). For Heidegger, following Husserl, the phenomenological gaze proceeds from the transcendentalism of a pure constituting consciousness (see Habermas 1990: 138). Heidegger's objective, however, is to renew the question of the meaning of Being through a critique of the thought of Being as *presence*. Heidegger sought to exceed the limitations of a dualistic ontology through a conceptual approach that systematically combines the phenomenological transcendentalism of Husserl with an existential ontology. His focus is on the constitution of the meaning of existence through an active determination that makes the "pre-ontological" understanding of Being a central theme of inquiry (Heidegger 1962: 32-34).²

In a Heideggerian vein, Bruce Kapferer's objective is to identify the ontological meaning of Sinhalese nationalistic practice. His concern is the 'pre-ontological' understanding of Being, the "primordialism of nationalism and the search for the essence of national identity... which conditions the fundamentalism of the religions that are incorporated into nationalism" (Kapferer 1988: 5). Kapferer locates this 'essence' in the "primordial experience" (Heidegger 1962: 44) of the Sinhalese Buddhist cosmos. In other words, his concern is the ontological meaning of nationalistic practice or 'performance'. Kapferer's claim -- informed by Heidegger -- is that the ontological meaning of Sinhalese nationalism is to be found in the relationship of 'proximity' that nationalist practice has to the Sinhalese Buddhist cosmos. This relationship he maintains is intuitive; it is anterior to a conscious or reflexive experience.

Nationalist practice and mythology has "ontological dimensions", that is it has a pre-reflective dynamic "beneath the level of conscious reflection" (Kapferer 1988: 19, 84). Kapferer's concern is with an ontological dynamic which "for the most part does *not* show itself" (Heidegger 1962: 59, his emphasis).

The overall thrust of my argument in the second half of this paper is to maintain that the law too has 'ontological dimensions', a dimension which gives the law its performative force. While this ontological horizon therefore remains *hidden*, it is simultaneously inherent in the myths and rites of both nationalist discourse and the law on language. As a consequence the narratives of Sinhalese mytho-history, such as the Pali Chronicles once contextualised within a nationalist message "begin to override the multiple meanings in ontology of the ordinary contexts of existence" (Kapferer 1988: 19).

The intuitive relation that the Buddhist cosmos as an ontological horizon has to nationalist practice is such that the meaning of ontology "may spring before reflective consciousness as that revelatory but only momentarily grasped flash of insight or understanding about the nature of the world" as reflected upon by the agents of nationalism (Kapferer 1988: 84). While this ontological dynamic is one that then remains 'hidden', it does in Kapferer's account "belong to what thus shows itself" (Heidegger 1962: 59). Its force is such that social action in the context of nationalist practice becomes driven by an ontological dynamic which becomes its "only truth", thereby suppressing a "great diversity of meaning" associated for example with the mythology of Sinhalese Buddhism (Kapferer 1988: 20, 51-65).

In Kapferer's account, it is only by recourse to those 'primordial sources' that "the being of the person constituted in nationalism is available" (1988: 20). Such an approach focuses on an analytic of nationalism that seeks to explicate it by emphasising its intuitive relation to an ontological horizon. In this light the "passions of nationalism... are conditioned in the ontology of being [Dasein] essayed by the logic of the traditions of nationalism" (Kapferer 1988: 20). Kapferer's analytic of Dasein in Sri Lanka therefore takes place in the context of a relation of 'proximity' to an ontological horizon. This 'proximity' alludes to the possibility that the meaning of this ontological horizon is already before us in a certain pre-subjective relation.³

By virtue of this 'proximity', Kapferer suggests that "the being of the person potentially constituted in nationalism is available... through the analysis of the [ontological dynamic inscribed] in nationalist legend and rite" (1988: 20). The being of the person is constituted in such a way that s/he is already involved in an ontological horizon. This constitutes something 'pre-ontological'; the attempt to constitute meaning by a 'subject' whose orientation to the world of experience is already one of an intuitive understanding with-in the world, anterior to the level of "conscious reflection" (Kapferer 1988: 20).

The cosmology of Sinhalese Buddhism in which Kapferer locates the domain of a 'primordial experience' articulates a hierarchical character. At the apex of this cosmology stands the Buddha and, below the Buddha, the world of the gods. Beneath them stand the world of other powerful deities and lastly the world of the demonic, inhabited by disordering spirits and ghosts. Within this layered cosmos, the Buddha is seen as pure, while demonic beings vary in their polluting capacity depending on their degree of orientation towards the Buddha and his teaching. This orientation in turn is determined by their capacity to personify the disordering and ordering potential of the cosmic order (Kapferer 1991: 160-61). Consequently as Kapferer observes "the Buddha and the demonic both define the boundaries of existence, the point of entry into nonexistence or extinction" (1988: 11).

The dominant structuring principle of this cosmic order is one of "encompassment" as

the encompassing principles defined by the Buddha and the demonic are engaged in dynamic tension throughout the realities they encompass and are present to varying degrees in all the various elements of existence and their relation (Kapferer 1988: 11).⁴

The 'encompassing' principle of the Buddha is "dominant and determinant" (Kapferer 1988: 11) or as Wendy O'Flaherty observes "the gods always win" (cited in Kapferer 1991: 165), as the demonic is ultimately 'encompassed'.

As Kapferer goes on to suggest, this "movement is consistent with the hierarchical principle of the cosmos" in which the Buddha ultimately 'encompasses' the forces of the demonic and, in so doing, reconstitutes order (1991: 173). This process of transformative 'encompassment' has implications for the nature of human being itself. While "[a] deity or a human being can become demonic, reduced to a lower fragmented possibility of itself [it] can be reconstituted once again into a higher encompassing possibility" (Kapferer 1988: 12, my interpolation).⁵

This hierarchical cosmology informs the nature of the relationship between nation and state in Sri Lanka

as the "nation is encompassed by the state" (Kapferer 1988: 12). The role of the State is analogous to the role of the *Cakkavatti* (wheel rolling universal kings -- an allusion to the circular nature of life and death and the acquisition of karma) ⁶ the righteous Buddhist kings of the pre-colonial period who ruled in accordance with the dhamma, the ideal Buddhist king being the one who in classical Buddhist terms renounces the world, gives up the pursuit of power (artha) and asserts "the principles of encompassing Buddha dharma" (Kapferer 1988: 12). ⁷ In turn, nation and state are 'encompassed' by the Triple Gem, the Buddha, dhamma and sangha (the collective Buddhist priesthood).

The consequence of a failure in this hierarchical principle causes a retreat into "fragmentation and a reduction to dislocating demonic forces" (Kapferer 1988: 12). As a result of this dislocation the "principle of encompassment is attacked" as "the Buddha dharma is opposed by the state, and the state and the people are brought into mutual conflict" (Kapferer 1988: 12). Order can only be restored by the "assertion of the ultimate determinate cosmic principles of the whole, the way of the Buddha" (Kapferer 1988: 12). As with the restoration of the cosmological order from its fragmentary potential, "the demonic and the destructive conditions of existence are also the source of the regeneration of the hierarchical order of society" (Kapferer 1988: 12). In the violence of the struggle between the Buddha and the demonic, hierarchy is restored "through the greater encompassing powers of the Buddha" (Kapferer 1988: 12), and it is the demonic potential of the cosmos that gives rise to the restorative processes of the cosmos.

The dynamics of flux between the Buddha and the demonic ensure that the boundary between an 'encompassing' unity (associated with purity) and a fragmented state of being (associated with pollution) is open and subject to fluctuation. Consistent with the principle of immanence, the dominant relation is one of ambivalence in which the movement towards an exclusion of the demonic fails, the demonic instead being 'encompassed' within the Buddhist cosmos. What I want to do below is to suggest how the central metaphors of this cosmos, unity, fragmentation and reordering are at an ontological depth inscribed in the rhetoric of Sinhalese mythology. I do this as a pre-cursor to considering the manner in which these ontological dynamics orient law in Sri Lanka.

In terms that implicitly return Kapferer to the Heideggerian realm of the 'pre-ontological', the constitution of subjectivity (or of being in the world) is "conditioned in the motion of a hierarchical world within an encompassing cosmic process" (Kapferer 1988: 13). Consistent with Heidegger's ontological critique, a certain Sinhalese Buddhist being in the world is constituted in the pre-subjective, intuitive relation that the 'subject' has to this hierarchical cosmos. While this cosmological order is something which lies 'hidden', it does -- as will become evident with reference to the practice of the law -- belong to that which reveals itself within the contingency of the social.

The Ontological Horizon of Buddhist Mythology

Kapferer maintains that a rationalist valuation of the texts of Sinhalese mythology which seeks to separate the 'true' from the 'false' fails to take into account is the "ways in which myth and cosmic history achieve their emotional potency" (1988: 40). Hence, Kapferer's focus is on the "inner logic of the myth", in Heideggerian terms, the ontological horizon against which myth achieves its motivational potency. It is in the context of this ontological horizon that "human beings and their myths participate in common ontological ground" (Kapferer 1988: 45).

In terms that rely upon Heidegger, Kapferer's concern is to demonstrate that the hidden "structure of reasoning" of myth, whereby "its content is organised... may already be part of the world it reflects" (1988: 45). As such, the relation between myth and its ontological horizon of meaning is one of 'proximity', its meaning already available in the world of social practice. As a consequence "human beings can be motivated in their interpretations through the form of the myth itself" in a manner anterior to a reflective intentional relation with the world of social practice, so that "myths can provide a framework through which the [pre-subjective] experience of the world achieves significance" (Kapferer 1988: 46). In Kapferer's argument then, the ontological meaning of nationalism is constituted in the *intuitive* relation that myth has to the cosmology of Sinhalese Buddhism. It is through this ontological horizon that "myths have force and an emotional power in the sphere of human action because their logic or reasoning connects with the way human beings are already oriented within their realities" (1988: 46). ⁸

Echoing Heidegger's concern with the ontological meaning of practice, the logic of myth achieves its motivational force when that very same logic is "also vital in the way human actors are actually given to constituting a self in the everyday routine world and move out toward others in that world"; as a consequence the reality of myth is "mediated by human beings into the worlds in which they live" (Kapferer 1988: 46). This mediation is particularly manifest in the practice of nationalism; in which "human beings recognise the argument of mythic reality as corresponding to their own personal constitutions" (Kapferer 1988: 46). That is, the ontological horizon of the Buddhist cosmos is one that orients the Sinhalese in their daily social practices (Kapferer 1988: 103-8). Once the ontological horizon of myth is inscribed in the practice of nationalism, it has the force to "define significant experience in the world, experience which in its significance is also conceived of as intrinsic to the constitution of the person" (Kapferer 1988: 47). In effect, myth possesses "ontological weight" and it is the nature of this 'ontological weight' that I want to consider (Kapferer 1988: 48).

The Pali Chronicles, such as the Dipavamsa and the Mahavamsa (the chronicles of the little and great dynasty) begin by enunciating the cosmology of Sinhalese Buddhism. Its point of departure is the glorification of the Buddha and an account of the Buddha's mastery of Mara (Death, the anti-Buddha as the personification of evil).⁹ This is followed by an account of the Buddha's three visits to the island (although in 'reality' he never probably travelled outside of his native north India) and his domestication of demonic beings, preparing the island for human habitation. Finally utilising the Agganna Sutta (Knowledge of Origins), in which the Buddha presents an account of creation (Gombrich 1988: 85), we are informed of the coming of King Mahasamata (the Great Elect) an earlier incarnation of the Buddha. According to this account, the prelude to his arrival is an increasingly fragmenting cosmological order. Out of disorder arrives the Great Elect whose re-ordering of the cosmos is a "constitutive act of social creation" (Kapferer 1989: 14).¹⁰

This account of the Buddhist cosmos is more than a just a prelude to the accounts in the Chronicles that recall the cosmogenesis of the Sinhala people in the union of animal and 'man', the birth of the Sinhalese polity and its heroic rebirth under King Dutugemunu (Kapferer 1988: 50-65). Rather, it constitutes the paradigm for the historical narrative of the Pali Chronicles. In their unfolding of historical events, the Chronicles receive their motivational force through an ontological horizon that provides meaning for their engagement within the contingency of nationalist or legal practice. Hence it is the Buddhist cosmos, with its metaphors of unity, fragmentation and reordering that informs the narrative structure and historical events recorded in the Chronicles.

Here I shall focus on the rebirth of the Sinhalese polity. The story of Dutugemunu (circa 200 BCE) some three hundred years after the arrival of Vijaya, the founder of the Sinhalese polity (Kapferer 1988: 53-57, Kemper 1991: 54-59), essays an ontological dynamic of unity, fragmentation, and reordering. At the end of his journey, Dutugemunu has regenerated the "hierarchical world order dominated by a Sinhalese Buddhist king" (Kapferer 1988: 58). But in accordance with the principle of 'transformative encompassment' his journey only begins from the status of having first realised his demonic potential.¹¹

The central event in the life of Dutugemunu is his military campaign against the Tamil King Elara whose centre of power was Anuradhapura in central Sri Lanka. At the time, Anuradhapura was ruled by a Hindu, Elara, who had come from the Cola Kingdom in South India (Kemper 1991: 61). The defeat of Elara represents the restoration of Buddhist kingship in the polity centred around Anuradhapura (Tambiah 1992: 173-76). While the cosmos is subject to relations of flux, the story of Dutugemunu is replete with a hierarchialising narrative.¹²

It is only from the margins of the polity that the process of a 'transformative encompassment' of the demonic can begin. As with the demons of the cosmos, whose journey from the margins towards the centre of the Buddha initiates the process of their own 'transformative encompassment', Dutugemunu's transformation from a demonic being can only begin from the margins. Dutugemunu's lurch into the demonic is occasioned by his refusal to listen to his father, King Kakavana of Magama, who implores him not to make war against Elara. His failure to listen to his father initiates the process of fragmentation. In order to signify that his father has ceased to be an 'encompassing' king, and to signify the 'encompassment' of the feminine, Dutugemunu sends him a woman's ornament and this action begins the process of "ordering disorder" (Kapferer 1988: 60). In response, his father threatens to "bind his... demonic son with a golden chain" (Kapferer 1988: 60). Dutugemunu flees to the forests, the margins of the social order, and "this occupation of the margin... symbolises that what is ultimately

encompassing cannot be encompassed. Symbolically, Dutugemunu at the margins in fact encompasses his father" (Kapferer 1988: 60).

On his father's death Dutugemunu consecrates himself as King. From being on the margins of the polity, he moves back inside it. When fully realised, this process of 'encompassing' his own disordering potential "will encompass the order that now subsumes and disorders him and that he concomitantly disorders" (Kapferer 1988: 61). By initiating this process he moves from being demonic to being benevolent: "incorporating within himself their [i.e. the demonic] dynamic ordering complementarity" (Kapferer 1988: 61) and correspondingly moves upwards in the hierarchy. Having gained control of Magama he "simultaneously moves the [polity] he commands to a position outside and opposed to that encompassed by Elara" (Kapferer 1988: 61). But higher 'encompassment' awaits in his encounter with Elara.

The movement of Dutugemunu towards Elara's kingdom represents the vertical movement of Dutugemunu through the Buddhist cosmos. His march towards Elara is analogous to the march of the demons who attack from the margins of the cosmos. The Mahavamsa's recording of the personal combat between him and Elara is as "cosmologically ordained, regardless of whether or not it happened in fact" (Kapferer 1988: 63). The encounter between the two is one between like and like in a cosmic duel in which two ideal embodiments of related but different forms of hierarchical encompassment must determine who is to be the encompassed and, therefore, the cosmic principles that are to be the conditions of hierarchical unity (Kapferer 1988: 63).

The slaying of Elara and the defeat of his forces "defines the fragmenting and ordering powers of kingship" (Kapferer 1988: 63). His own transformation from the demonic to "compassionate beneficence" signifies the simultaneous restoration of the hierarchy of the Buddhist cosmos (Kapferer 1988: 63). This process of reordering is reinforced in his postconquest building of monuments to the glory of the Buddha. Their purpose is

cosmic stabilisation whereby the inherent fragmenting possibility of the world order and of its kingly embodiment -- inherent as a function of the logic of hierarchy and incorporating encompassment -- is overcome by the affirmation of Buddhist cosmic unifying principles (Kapferer 1988: 57-58).

The hierarchy of the Buddhist cosmos is reconstituted through the reinstatement of the unifying principles of Sinhalese Buddhist kingship, the fragmenting possibility of the Tamil other having being subordinated in a hierarchical relation.

In according honour to Elara in the celebration of funeral rites (which in Hinduism and Buddhism contain symbolic reference to sacrifice and rebirth) Dutugemunu not only incorporates Elara's social order, but also signifies his own "transformation from the demonic to compassionate beneficence" (Kapferer 1988: 63). This process of 'transformation' is characterized by Kapferer as the initial

failure of a hierarchical order united in Buddhism [which] is refracted in Dutugemunu's demonic character and in his action. The reattainment of a Buddhist order negates his [demonic self]... leading to personal transcendence (1988: 63)

upon his death when he ascends into the abode of the gods. This ascension signifies his final "hierarchical encompassment, moving from the demonic to the divine" (Kapferer 1988: 63) in that moment of renunciation when the pursuit of Buddha dhamma 'encompasses' the pursuit of power.

At an ontological depth, in Dutugemunu's actions is manifest the orientational potency of the Buddhist cosmos. Its narrative structure and the events it presents demonstrate a cosmological account of history in which "history constitutes an interwoven stream of events in which the results of actions at one moment are manifest in beneficence or suffering at another" (Kapferer 1988: 50). The indecisive movement between the two poles is the principle of karma. Through karma, historical events are interconnected. For example the building of monuments to the Buddha is karmic in that it is integral to Dutugemunu's own renunciation of the world. It is the ontological horizon of the Buddhist cosmos that gives meaning to Dutugemunu's 'transformation' from the demonic to the divine. The unsettled nature of this cosmos is manifest in Dutugemunu's journey through unity, fragmentation and reordering with the defeat of Elara signifying the regeneration of a hierarchical cosmic order. It is the "violence of

opposition, of birth, and of recreative transformation" (Kapferer 1988: 62). Below I similarly argue that in the performative dynamic of the law "the terms and relations of an ontological scheme receive valuation, a valuation laden with import in a historically lived reality" (Kapferer 1988: 80).

Language and the Echo of the Cosmos

In 1951, the Oxford educated S. W. R. D. Bandaranaike, left the conservative United National Party (UNP) and formed the Sri Lanka Freedom Party (SLFP), a party that was to appeal to an emerging Sinhalese speaking bourgeoisie. In 1955 the SLFP saw an opportunity of dethroning the Anglicised elite who had inherited power in 1948 by bringing together the "divergent forces of the Buddhist movement" (Bechert in Bardwell Smith (ed) 1978: 203) adopted a policy of implementing Sinhala as the only official language. The UNP which up to now had supported a policy of parity of status for both Sinhala and Tamil, saw popular Sinhala support ebbing away to the SLFP and in a volte-face, in February 1956 also adopted an identical language policy to that of the SLFP. In the event such opportunism by the UNP was disregarded by the Sinhala electorate and many Tamil voters and politicians (Sri Lanka 1956: Vol. 23, Col. 1859-67) abandoned the party forseeing its inevitable drift into a politics based on competing Sinhala chauvinism with the SLFP. Until 1956 English was the de facto official language of the country, although this was by virtue of practice rather than any colonial legislation (Sri Lanka 1956: Vol. 24, Col. 1561). Such a situation could not be maintained in a country in which 90 per cent of the population spoke either Sinhala or Tamil (Tambiah 1986: 74) as their first language. The status of English was such that even after independence it was retained as the language of administration, for example a telegram in Sinhala or Tamil or an entry made at a police station and even court proceedings had to be taken down in English (Sri Lanka 1956: Vol. 24, Col. 1421). In a certain sense justice demanded that the other be addressed in the language of the other. In 1954, the UNP led government of Sir. John Kotelawala promised to make the requisite constitutional changes in order for Sinhala and Tamil to have parity of status (de Silva 1986: 173-74).

Leaving aside the fact that the government could not summon the necessary majority for such amendments, the forces of Sinhalese nationalism, angered by this promise, grouped in order to place pressure on the government for Sinhala as the only official language (ibid), which in practice meant the use of Sinhala as the language of administration throughout the island. Much of its anger was directed at the Left who supported parity of status for both Sinhala and Tamil. In October 1955 the Left held two public rallies in support of this policy, to which end they had introduced a motion in Parliament calling for a parity of status (Sri Lanka 1955: Vol. 23, Col. 573-691). These rallies were broken up by an increasingly vocal group of politically active Buddhist priests who combined populism and nationalist sentiment (de Silva 1986: 175). The disorganising and fragmenting potential of the Left who sought a parity of status for both Sinhala and Tamil had to be 'encompassed' by the earthly representatives of the Buddha.

Characteristic of the anti-Tamil violence that ensued (Sri Lanka 1956: Vol. 24, Col. 854-902) was the metaphor of 'fragmentation'. Only by rampaging, beating and even raping the Tamil *other* was it possible for the order of the Sinhalese state and thereby the Buddhist cosmos to be restored (Tambiah 1992: 40). Such violence progressively reintegrates the Tamil other at the base of a Sinhalese dominated state. By 'encompassing' the demonic potential of the Tamil other, the hierarchical unity of the Buddhist cosmos is recreated, a hierarchy potentially undermined by the claims of the Tamil language for an equality of status. By restoring the integrity of the fragmenting Buddhist cosmos, such violence also restores the personal integrity of the Sinhalese person as "both the anguish of the person and the anguish of the nation are overcome in the power of hierarchy" (Kapferer 1988: 111).

In February 1956, a commission of inquiry appointed by the All Ceylon Buddhist Congress published a report called 'The Betrayal of Buddhism' (Tambiah 1992: 30-41, de Silva 1986: 174-77).¹³ The tone of this nationalist tract was somewhat apocalyptic, the history of Buddhism in Sri Lanka being one where it has found itself (according to Tambiah) in "constant danger, even of being overrun by hostile external forces, whether Tamil invaders from South India or, later, Western colonial powers" (Tambiah 1992: 33).

The report projected a vision in which, according to Tambiah, "Buddhism, the special treasure of the island, has always been endangered and has been in steady decline since the glorious time of 'the three great kings'" (Tambiah 1992: 33). The kings referred to were

Devanampiya Tissa, who received Buddhism from Emperor Asoka, Dutugemunu, who defeated Elara the Tamil king and united the island [in the Anuradhapura period] and Parakrama Bahu I [in the twelfth century] who unified the island and was the hero of the Polonnaruwa period (Tambiah 1992: 33).¹⁴

The period of European colonial rule is marked by the steady decline of the fortunes of Buddhism and, because of this decline, the post-colonial period demands the 'restoration' of Buddhism (Tambiah 1992: 33). As such, the memory of this traumatic experience or "trauma as memory" (Forrester 1991: 76) is, as Tambiah notes,

replicated in subsequent Sinhalese literary works. It takes on the proportions of an enduring mnemonic and reminder, and a formulaic frame, that was activated when Sinhala Buddhist interests were threatened or believed to be under attack (Tambiah 1992: 140).

In the election of April 1956, the SLFP led coalition of the Mahajana Eksath Peramuna (Peoples United Front) which included the parties of Sinhalese extremism, won a convincing victory against the UNP (de Silva 1986: 178-79, Tambiah 1992: 42-45, Roberts 1994: 297-314). Bandaranaike and the MEP coalition were committed to implementing the recommendations of "The Betrayal of Buddhism", which at its core advocated the 'restoration' of Buddhism to its pre-colonial 'glory'. *The Official Language Act* was passed against this increasingly nationalist background.

Having secured victory in the 1956 general election, Bandaranaike justified the absence of parity of status for the Sinhala and Tamil languages (in *The Official Language Bill*) on the grounds that the Sinhalese (and by this he meant the Sinhalese nationalists) felt such a policy "would be gravely detrimental to the continuance and progress of the Sinhalese language; that it would almost imply the extinction of the Sinhalese language" (Sri Lanka 1956: Vol. 24, Col. 843, Col. 1379).¹⁵ In a somewhat apocalyptic vein, he observed that "the natural tendency would be for the use of Sinhalese to shrink and probably in the course of time almost to reach the point of elimination" (Sri Lanka 1956: Col. 843, Col. 1130, Col. 1288). The very possibility of official status for both Sinhala and Tamil was greeted with incredulity by some government ministers (Sri Lanka 1956: Col. 1054-55).

Other Sinhalese politicians observed that the unity of Ceylon would be undermined if there were two languages (Sri Lanka 1956: Col. 1312), although Bandaranaike, the Oxford liberal, never sincerely believed in this legislation (Sri Lanka 1956: Col. 1923).¹⁶ The sense in which the purpose of this legislation was to 'encompass' and to even destroy the Tamil language was also captured by the Federal Party when A. Amirthalingam observed that the government appears "in the role of executioners, with the mandate from the Sinhalese masses... to execute the Tamil speaking people" (Sri Lanka 1956: Col. 1303). Tamil speakers were projected by Sinhalese nationalists as a threat to the existence of the Sinhalese people (Sri Lanka 1956: Col. 1360, Col. 1920). The objective of 'encompassing' the Tamil language was reinforced when a Tamil parliamentarian cited Bandaranaike's observation from 1955 as opposition leader, to the effect that "Tamil is not an Indian language; it is one of the lowest Indian languages. There are much higher languages than Tamil" (Sri Lanka 1956: 1553). Consequently Section 2 of the *Official Language Act* declared Sinhala the "official language of Ceylon" and implicitly relegated both Tamil and English to a subordinate status.

The point I wish to emphasise is that 'The Betrayal of Buddhism' and *The Official Language Act*, like the performative dynamic of Sinhalese mythology nationalism, make the claim to an ontological presence that is anterior to its reflexive experience. As with Sinhalese myth, the politics and law of language has an ontological depth. While the ontological plane of the Buddhist cosmos is prior to its experience in consciousness, it simultaneously springs forth into the world of conscious reflection through the debates surrounding *The Official Language Act* and 'The Betrayal of Buddhism'. Mythology, like the law on language, is one such moment within the social that gives meaning to the ontological horizon of the Buddhist cosmos.

To recap, the cosmology of Sinhalese Buddhism is hierarchical, placing knowledge of the dhamma in an 'encompassing' relation to political power, the ideal Buddhist king being the one who gives up the pursuit of power in favour of asserting the 'encompassing' principles of the dhamma. Knowledge of the dhamma can therefore be seen to be in diametrical opposition to the demonic, the other of the Buddha. While the Buddha is pure, the demonic is polluting, the relation between the Buddha and the demonic

constituting the boundary between existence and non-existence. However the Buddha is ultimately capable of 'encompassing' the demonic.

As to the relationship between the central themes in 'The Betrayal of Buddhism' and the debates around *The Official Language Act* and the plane of an ontological horizon, the force of these texts is reinforced by the Buddhist cosmos, the 'hidden' or inner 'structure of reasoning' that organises its content, vis-a-vis its performative dynamic. The dominant metaphors of the Buddhist cosmos -- unity, fragmentation and reordering -- are inscribed in the performative dynamic of 'The Betrayal of Buddhism' and the language used to justify *The Official Language Act*. The unification of the polity around Anuradhapura is associated with Devanampiya Tissa (Kemper 1991: 40, 49), and the fragmentation and reunification of the Buddhist polity at different historical junctures is associated with Dutugemunu and Parakrama Bahu I. In relation to the Act, just as an exorcism ritual reorders the patient's body by 're-encompassing' the demonic, Bandaranaike and other Sinhalese politicians indicate that the purpose of making Sinhala the official language is to counter the demonic potential of the Tamil language which threatens not only to 'extinguish' the Sinhala language, but also to divide the nation, just as the Buddha is always threatened by demonic agents in the cosmological order.

Consequently it is the Buddhist cosmos as an ontological horizon (with its central metaphors of unity, fragmentation and reordering), a horizon that is integral to the orientation of the Sinhalese in their everyday activities (Kapferer 1988: 80), that gives meaning to 'The Betrayal of Buddhism' and the debates around *The Official Language Act*. The motivational force of this ontological horizon achieves its meaning within the contingency of the social. The 'restoration' of both Buddhism and the Sinhala language sought to 're-encompass' the forces of 'demonic' fragmentation set in motion by both the Tamil language and a colonial missionary Christianity that had eroded the status of the Sangha (Tambiah 1992: 34-37). The means towards this 'restoration' was firstly to reinforce legal protection for Buddhism and secondly to withdraw state grants to the Christian mission schools which enjoyed an autonomous status not available to Buddhist, Hindu or Muslim institutions (Tambiah 1992: 34-35). Integral to this process of a 'restoration' of the Buddhist cosmos was a policy that favoured "the transmission of Buddhist values, Sinhalese language and literature" (Tambiah 1992: 35).

In response, the Tamil Federal Party launched a campaign of peaceful protest against the new changes (de Silva 1986: 185-86). Once Bandaranaike found himself being outflanked by the Sinhalese extremists in the government whose only objective was one of "maintaining pressure on the Tamils through a policy of confrontation", he saw the benefits of negotiating a settlement with the Federal Party (de Silva 1986: 186). What emerged was the Bandaranaike-Chelvanayagam Pact of July 1957. This provided for the Tamil language to be granted the status of an official language for the purpose of administration in the North and the East, for a strengthening of the devolutionary measures of the Regional Councils Bill (de Silva 1986: 182-87), and for limits to be placed on the number of Sinhalese 'colonists' in the agricultural developments in the Northern and Eastern Provinces so as to ensure that the indigenous Tamils maintained their majority position in these areas (de Silva 1986: 186-87).

Opponents in the government and the UNP opposition, as well as Buddhist monks in extremist organisations such as the Eksath Bhikkhu Peramuna (Buddhist United Front), campaigned against the Pact on the grounds that the concessions on language and devolution would lead to a fragmentation of the Sinhalese Buddhist nation and the establishment of a federal state (de Silva 1986: 187-88). 'Colonisation' of the Dry Zone in the north eastern part of the island where the Sinhalese and Tamil parts met, was perceived by the Sinhalese as the 'restoration' of Buddhism to a part of the island known in the Sinhalese nationalist reinterpretation of the Mahavamsa as the Rajarata (the land of the kings), the origin and centre of Sinhalese Buddhist kingship (de Silva 1986: 188, Kemper 1991: 138-43).

As such, land 'colonisation' by the Sinhalese peasantry meant a continuation by other means of the nineteenth century process of archaeological 'restoration' in which as Kemper notes "reclaiming the Rajarata meant restoring the sacred places as well as irrigation systems" (Kemper 1991: 142). Such 'restoration' had the simultaneous effect of 'encompassing' the disordering potential of the Tamil peasantry and hence reconstituting the stability of the Buddhist cosmos. Like Dutugemunu, who initiates a building programme following his defeat of Elara in order to restore cosmic stability, Sinhala 'colonisation' of the Rajarata similarly at an ontological depth has the effect of restoring stability to the Buddhist cosmos.

Consequently J. R. Jayawardene for the UNP, in a charge that was to be often levelled at the Left and

Sinhalese liberals, called the Pact a "betrayal of the Sinhalese" (cited by Tambiah 1992: 49). In order to emphasise its fragmenting effect on the state (and by extension the cosmos) Jayawardene led a procession which included chanting monks "from Colombo to the Temple of the Tooth in Kandy as a pilgrimage to worship and to protest at [the] shrine, where the relic had served as the palladium of the earlier Sinhalese kingdoms, and by extension, of the modern polity resided" (Tambiah 1992: 49).¹⁷ This was followed by a rally of the opponents of the Pact outside the Temple of the Tooth.

In a move that was repeated in 1985 when the chief priests of the Siyam Nikaya (the oldest of the Buddhist orders) offered the blessings of the Triple Gem on the commander of the army in the campaign against the Tamil separatist Liberation Tigers of Tamil Eelam (LTTE), the chief priests offered invocations to persuade the protective deities of the island to undo the Pact. Outside the Temple, those demonstrating in favour of the Pact were baton charged by the police (Manor 1989: 272-73). During the riots in March 1958 Tamils and Tamil owned shops in Colombo were attacked and in April one monk declared that the Pact would "lead to the total annihilation of the Sinhalese race" (cited in Manor 1989: 286). Finally, in May 1958, several dozen monks engaged in an organised protest outside Bandaranaike's residence. Failing to dissuade the monks and take on the extremists, Bandaranaike announced the abrogation of the Pact (Manor 1989: 50).

The 'encompassing' nature of the violence described receives its force by virtue of its relation of 'proximity' to the ontological horizon of the Buddhist cosmos. The motivational force of this ontological terrain with its central metaphors of unity, fragmentation and reordering are manifest in the Sinhalese nationalist resistance to the fragmenting potential of the Pact.

The disordering potential of the Pact stands in a demonic relation to the hierarchical order of the Sinhalese Buddhist state. Violence directed at the Tamil *other* either by the state or by Sinhalese individuals is hence 'encompassing', for in order to restore both state and cosmological stability as indicated by the invocation of the gods by the chief priests of the Siyam Nikaya against the Pact, the other has not only to be 'encompassed' by the hierarchical state, but also by the Buddhist cosmos itself. Within a nationalist idiom the cosmology of Sinhalese Buddhism has the effect of orienting the imperative of both nation and state to fulfill its capacity for ordering in a manner which has the potential to align the Tamil other with the forces of evil which continually challenge the encompassing power of the Buddha.

Conclusion

The fundamental characteristic of this ontological horizon is the subordination of 'evil' by which the restoration of cosmic hierarchy leads to the restoration of the hierarchical order of the state (Kapferer 1988: 87); the practice of linguistic nationalism, that is the debates surrounding *The Official Language Act*, achieving the full force of their meaning by virtue of its engagement with the ontological horizon of the Buddhist cosmos. Such practice engages this ontological horizon in a manner that is anterior to a reflexive relation with such practice, but which yet maintains a relation of 'proximity' to the cosmos as an ontological horizon. As with the performative dynamic of Sinhalese Buddhist mythology, the Buddhist cosmos as an ontological horizon realises its motivational force through the manifestation of this ontological horizon in the temporal historical experience of the law on language. The temporality of this historical experience signifies the contingency of the Buddhist cosmos, the *gathering* ground of Being in Sri Lanka. While in the shadow of Derrida's deconstruction of Heidegger's phenomenology (Derrida 1982: 31-67), revealing Heidegger's fidelity to the principle of an origin, any ontological account of the law is open to a deconstructive reading, suffice it to say for the purpose of my argument here that when the law speaks it carries with it the silent echo of the Buddhist cosmos; a cosmos which in its very silence has the potential to speak and reveal itself in the singularity of the event.

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Footnotes

1 Sri Lanka received independence from Britain in 1948. While there are many 'ethnic' groups on the island, much of the conflict in the post-colonial period has been between the Sinhalese (predominantly Buddhist) who comprise 74 percent of the population and the Tamils (predominantly Hindu) who comprise 18.2 percent of the population (de Silva 1986: 417). The foundations of the post-colonial conflict between the Sinhalese and Tamils and other minority groups were established in the period of British rule between 1796-1948. Colonial rule brought with it the 'rationalism' of the West. This made itself present in the form of an Orientalist historiography which not only appropriated Sri Lanka for the purposes of a Western narrative of progress, but also projected two dominant assumptions: firstly that there had been a great Sinhala civilisation which had gone into decline due to 'invasions' from a predominantly Tamil South India and secondly that antagonistic racial groups had long existed (Rogers in Spencer (ed) 1990: 90-2). An emerging Sinhalese historiography from the middle nineteenth century actively drew on the essentialist assumptions of this Orientalist corpus.

2 Heidegger notes in Husserlian terms that "essentially the person exists only in the performance of intentional acts. ... A person is ... a performer of intentional acts which are bound together by the unity of a meaning" (Heidegger 1962: 73). The centrality of 'performance' here, alludes to the dimension of social practice in which the meaning intrinsic to acts of intentionality arises for social agents. But the question for Heidegger is "what, however, is the ontological meaning of 'performance'? How is the kind of being which belongs to a person to be ascertained ontologically in a positive way?" (1962: 73).

3 It is this very emphasis on 'proximity' which ensures that Kapferer's approach remains within the motif of presence, for the being of the person constituted in nationalism is unveiled or becomes available in its relation to the ontological horizon of the Sinhalese Buddhist cosmos.

4 Through this principle of 'encompassment', Kapferer implicitly moves his analysis of the cosmos in an implicitly deconstructive direction, beyond the simple opposition between inclusion and exclusion.

5 In this context the purpose of an exorcism ritual is to restore the patient to a bodily whole and in doing so restore cosmological order, "the disorder of which can be symbolically represented through the appearance of a deity in a lower manifestation" (Kapferer 1991: 173).

6 'Karma' is the acquisition of 'merit' through the meritorious acts, the purpose of which is the escape from the endless cycle of rebirth (samsara) that Buddhism posits (Gombrich 1988: 46-49). It is this release that constitutes renunciation of the world and an experience of nirvana (liberation).

7 The dominant principle of Buddhist kingship is one in which the "dharma, as cosmic law and as truth (the seeker of which is the renouncing bhikku) encompass[es] the dharma of the righteous ruler, which attempts to give order to this world" (Tambiah 1976: 40, my interpolation).

8 It will similarly be argued below that the law too has an ontological depth because the reasoning behind the law connects with the way Sinhalese human beings are oriented within the everyday world of the social.

9 In Buddhist mythology, the Buddha overcomes the powers of illusion possessed by Mara who attempts to divert the Buddha from his path to Enlightenment (Kapferer 1991: 156-57).

10 This citation is from a personal copy of Kapferer's "Nationalist Ideology and a Comparative Anthropology" in *Ethnos*, (1989), December.

11 The birth of Dutugemunu is a consequence of evil action (Kapferer 1988: 58-59).

12 Tambiah (1976) has characterised the model of diffuse administration in these pre-colonial polities as one informed by the 'Asokan Persona', named after the emperor Asoka who ruled in the third century BC in India. In effect this represented the transformative aspect of the cosmos. But characteristic of Dutugemunu's journey as recorded in the *Chronicles* is the hierarchising aspect of his journey in which he subordinates everything in his way.

13 The committee was comprised of six scholar monks from the Siyam, Amarapura and Ramanna

Nikayas (sects) of the Sangha and seven lay members, some of whom were leading Buddhist educators (Tambiah 1992: 30-31).

14 The Polonnaruwa period from the tenth to the thirteenth centuries is one marked by the "Cola [South Indian] occupation of the island" (Tambiah 1992: 140, my interpolation) between the tenth and eleventh centuries. Under Parakrama Bahu I, the Sinhalese regained control of the polity centred around Polonnaruwa. Central to this reconquest is also the "creation of a unified sangha ... and the missionary spread of ... Buddhism to Thailand and Burma" (Tambiah 1992: 140).

15 By 'parity' the Tamil based Federal Party and the Left were advocating at a minimum, legal provision for the reasonable use of Tamil in the Northern and Eastern Provinces, areas in which the Tamil community were in a majority (Hansard: House of Representatives (1956) Vol 24: Col. 1689-90).

16 Ironically it was the Left and the Federal Party which predicted that the passage of this Act would precipitate Tamil demands for a separate state (Hansard. House of Representatives (1956) Vol 24: Col. 1428-29, Col. 1547-50), a prediction borne out by subsequent events.

17 It is called the Temple of the Tooth because it houses a tooth belonging to the Buddha.